

Hospital Law, by John A. Lapp and Dorothy Ketcham

Carl Zollmann

Follow this and additional works at: <http://scholarship.law.marquette.edu/mulr>



Part of the [Law Commons](#)

Repository Citation

Carl Zollmann, *Hospital Law*, by John A. Lapp and Dorothy Ketcham, 12 Marq. L. Rev. 84 (1927).
Available at: <http://scholarship.law.marquette.edu/mulr/vol12/iss1/23>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Law Review by an authorized administrator of Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

reprinted ten times as a recent book on the "Law of Aviation" has done, but is printed only once, the difference between the various jurisdictions being mentioned in footnotes.

JOHN McDILL FOX

The Law of Radio Communication, by Stephen Davis, formerly Solicitor of the Department of Commerce and Justice of the Supreme Court of New Mexico. McGraw-Hill Book Company, New York City.

This book of 184 pages exclusive of an appendix of 15 pages containing the Radio Act of 1927 was, in June, 1927, awarded the Linthicum Foundation Prize by the Faculty of Law of Northwestern University under the Charles C. Linthicum Foundation. It is dedicated to Herbert Hoover "whose wise guidance in the formative stages of Radio Communication contributed so greatly to the development of this new service to the American People." This great opportunity which the author, after his service on the supreme bench of a state, has had in his position in the commerce department to study the subject leads one to expect a real contribution in this new and interesting field.

This expectation is not wholly disappointed. There are two or three chapters in the book particularly worthy of note. The chapters on Federal Jurisdiction, on State Jurisdiction and on Conflicting Rights in Reception and Transmission belong to this category. Other chapters, however, are far less satisfactory to put the case mildly. Thus in Chapter 7, dealing with the question of Copyright of Broadcasting Matter, the four American cases which the author refers to and the English case (*British Broadcasting Co. v. Wireless League Gazette Publishing Co.*, 95 L.J.Ch. 272, (1926) Ch. 433, 135 L.T. 93, 42 T.L.R. 370) and the Australian case (*Chappell v. Associated Radio Co.*, 1925, Victoria L.R. 350) which he does not refer to have about exhausted the primary legal questions involved and make a comprehensive statement of the entire legal situation possible as Zollmann in his *Law of the Air* (which book is reviewed in this issue) has clearly demonstrated (Sections 173 to 182). The author is largely content to merely state the facts of the four cases which he has found on the subject and append to such statement an extract from the opinion of the court. In other words this particular chapter is written in a thoroughly mediocre style dealing with a subject which is of practical importance to the trial lawyer in comparison with other chapters and the importance of the subject matter.

Fortunately what is true of this chapter and to a less extent of some of the other chapters is not true of the chapters above mentioned and of some others not mentioned. On the contrary in some of the pages the writer not only rises into a style of the very highest literary excellence but his reasoning from analogous situations is far better than could reasonably be expected. On the whole the book with the faults which unavoidably and avoidably adhere to it is a distinct contribution to the legal discussion of radio communication and as such should be on the shelves of every lawyer who is in any way, shape, or manner representing radio interests.

JOHN McDILL FOX

Hospital Law, by John A. Lapp and Dorothy Ketcham. 557 pages. Bruce Publishing Company, Milwaukee, Wisconsin.

The astounding strides made by medical science during the last century has doubled, trebled and quadrupled the importance of proper hospital facilities with

properly trained nurses, employees and administrative officers. It has brought about specialization and the foundation of tuberculosis hospitals, cancer hospitals, isolation hospitals, lying-in hospitals, and many other forms of specialized accommodations. It has led cities, villages, counties, and other municipal corporations to found public hospitals of both general and special types. It has resulted in charitable donations of truly princely proportions. In consequence a situation such as the Bible describes of Lazarus lying in a very serious condition for days at the door of the rich man is now practically out of the question in this country.

That this extraordinary growth must raise new questions of law of course was inevitable. New statutes had to be drafted and new situations decided by the various supreme courts. In consequence there now exists a very large body of law in which hospitals are directly interested. These various statutes and decisions have not heretofore been available in any convenient form. They were scattered through the statute books of our forty-eight states and through the thousands of volumes of reports under whose weight the shelves of our larger law libraries now groan.

It is the purpose of this book to make all this material conveniently available. So far as statutes are concerned the authors have painstakingly gone through the statutes of all the states and present extracts of their provisions under such chapter headings as incorporation of hospitals, tax exemption of hospitals, public aid for hospitals, licensing of hospitals and laws regarding reports and records to be made or kept by hospitals. Principles of law laid down by the courts rather than enacted into "written" form by the various legislatures are covered by chapters dealing with the liability of a hospital for negligence, the definition of a hospital, taxation of a hospital, charitable gifts to hospitals and the question so copiously passed upon by the courts but surprising at first blush of a hospital as a nuisance.

In form the book resembles a digest more than a textbook. The authors, however, have not always been content to reflect the mere legal proposition contained in the various cases referred to but have frequently cited copiously from the opinion of the court thus putting the reader in close touch with such opinion without the necessity of actually consulting it. The book will be of every great value to hospital officials, to physicians who maintain a close relationship with some particular hospital, and to attorneys who represent one or more hospitals. Its external dress is such as the public has come to expect from the publisher. The binding is substantial, the paper of a good quality and the typographical part as near perfect as human imperfections will permit. An index, table of cases and analysis of the various chapters are aids which have not been overlooked.

CARL ZOLLMANN

Essentials of School Law, by Harry Raymond Trusler, Dean of the College of Law, University of Florida. 478 pages. Bruce Publishing Company, Milwaukee, Wisconsin.

Ever since the days of Horace Mann, of Massachusetts, the public school system of the United States has advanced with giant strides. Not only does it give instruction to many millions of pupils but it also furnishes employment to many hundreds of thousands of teachers. The aggregate value of its property in the form of school grounds and school houses is almost beyond computation. Large prosperous business ventures concerning themselves with the production of school supplies and school books have been built up on it and furnish employment to tens of thousands of workers.